

1983 Form

*503*

In the United States District Court  
For the Northern District of Alabama

SEP 12 AM 11:22  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

Michael Labron Benn # 232650

CV-16-K-1503-S

(Enter above the full name(s) of the  
plaintiff(s) in this action)

v

Lt. Thomas Butler / A.D.O.C.

(Enter above full name(s) of the  
defendant(s) in this action)

## I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (X)
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit

Plaintiff(s):

N/A

Defendant(s)

A

## 2. Court (if Federal Court, name the district; if State Court, name the county)

N/A

## 3. Docket Number

N/A

## 4. Name of judge to whom case was assigned

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

- II. Place of present confinement Donaldson Correctional Facility

- A. Is there a prisoner grievance procedure in this institution?

Yes ( ) No (☒)

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes (☒) No ( )

- C. If your answer is YES:

1. What steps did you take? I wrote and submitted over 3-4 grievances to Sgt. Sealey at Bibb County where incident occurred.

2. What was the result? Sgt. Sealey never once responded to any of my grievances - not once!

- D. If your answer is NO, explain why not? I answered "NO" above because the present facility I'm at has no grievance procedure - which the question referred to. And as well as the fact that this incident took place at another facility.

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff(s) Michael Labron Benn #232650

Address 100 warrior Ln. Bessemer, AL 35023

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Thomas Butler  
 is employed as Lieutenant  
 at Bibb Correctional Facility

C. Additional Defendants \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

I was a segregation inmate - cuffed to the rear - being escorted by COI Daniel Simone to infirmary for sick call when I began to speak to another inmate on the sidewalk. Lt. Thomas Butler exited the Shift Office and began using offensive language towards me as I was walking away - calling me a son-of-a-bitch! I retorted that I was not such a thing and won't be disrespected for no reason when he came up to me while I'm still cuffed to the rear and inserted two (2) thumbs into the bottom part of my lip and tore the insertion of my lip saying he "hates my black ---!" COI Daniel Simone intervened and we continued to the infirmary where I was in pain and angry

about the physical / mental / verbal abuse from Lt. Butler. The other officers in HCU took my actions as disobeying orders to sit and ridiculed Lt. Butler, who came and pushed my face into the glass door frame exiting the infirmary - intentionally - resulting in a bruised left eye and blurred vision still suffered today and also resulting in the need of glasses now and migraines.

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want Lt. Butler reprimanded, the disciplinary's he wrote on me that day expunged from my records, order Corizon Health Services to follow up on my eye exam and I want to press charges for Assault on Lt. Thomas Butler, as well as push for a monetary settlement due to my lip and my eye.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 09/01/2016  
(date)

Michael H. Ben #232650

Signature(s)